

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kane <i>et al.</i>	Conf. No.:	6282
Serial No.:	10/067,875	Art Unit:	2154
Filing Date:	02/05/2002	Examiner:	Lin, Kenny S.
Title:	SYSTEM AND METHOD FOR ROUTING DATA BY A SERVER	Docket No.:	END920020006US1 (IBME-0040)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants respectfully request a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference Pilot Program. Applicants submit that the above-identified application is not in condition for appeal because the Office has failed to establish a prima facie case of anticipation or obviousness based on an error in facts. Claims 1-21 are pending in this application.

Turning to the rejection, in the Final Office Action, 1, 3, 10, 12, 16 and 18 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Endo (U.S. Patent Pub. No. 2004/0212841), hereafter “Endo.” Claims 4, 7, 13 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Endo in view of Olejar *et al.* (U.S. Patent Pub. No. 2003/0037100), hereafter “Olejar.” Claims 2, 7 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Endo in view of Deng (U.S. Patent No. 6,243,394), hereafter “Deng.” Claims 5, 14 and 20 are rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Endo in view of Lakshman *et al.* (U.S. Patent No. 6,078,564), hereafter “Lakshman.” Claims 6, 15 and 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Endo in view of Harris, Jr. *et al* (U.S. Patent No. 6,144,975), hereafter “Harris.” Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Endo and Olejar and further in view of Lakshman. Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Endo, Olejar and Lakshman and further in view of Harris.

Applicants submit that these rejections are clearly not proper and without basis because at least one claim limitation is not met by the combined features of the references cited by the Office. As argued in the November 1, 2006 Amendment, the cited references fail to teach or, in the alternative, teach or suggest each and every element of independent claim 1. In particular, the cited references fail to teach or suggest teach receiving, on the server, data to be routed from a source to a destination, the data having the destination and a transaction type that defines a character of the data included therein. See page 9, paragraph 1 through page 10, continuation paragraph. In contrast, the transaction methods of Endo, which the Office equates with the transaction type of the claimed invention, indicate the manner in which the document data is to be transmitted and not the does not define the character of the data itself. To this extent, the transaction type, which is claimed distinctly from the format of the claimed invention, is not taught by the transaction methods of Endo. Thus, the transaction type as included in the claimed invention is not taught by the transmission methods of Endo, which are merely formats.

As further argued in the November 1, 2006 Amendment, Endo also fails to teach that the application is adapted to transform the data which is received in one of a plurality of formats into the transformed data which is in one of a plurality of formats. See page 10, paragraph 1 through page 12, paragraph 1. Instead, the passage of Endo cited by the Office teaches a conversion that

is from a single format (i.e., that of a scanned document retrieved directly from the scanner or from a saved scan) to a number of formats and not a many to many conversion as in the claimed invention. Furthermore, the Office's unsubstantiated factual statement that "since different scanner or similar device may scan and save the data in various format, the input document need not necessary be of the same format," is not taught by Endo, but rather is Official Notice and, as such, requires a reference that teaches this feature. To this extent, the application of the claimed invention does not merely convert input document data in a single predetermined format to a designated data transmission format as does the format converter of Endo, but is also adapted to transform data which is received in one of a plurality of received formats.


Accordingly, the Office has failed to state a prima facie case of anticipation and, accordingly, of obviousness, and this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution.

With respect to the rejections of independent claims 7, 10 and 16, Applicants note that each claim includes a feature similar in scope to the receiving, on the server, data to be routed from a source to a destination, the data having the destination and a transaction type that defines a character of the data included therein and the transformation of the data which is received in one of a plurality of formats into the transformed data which is in one of a plurality of formats of claim 1. Further, the Office relies on the same arguments and interpretations of the cited references as discussed above with respect to claim 1.

The dependent claims are believed to be allowable based on the above arguments regarding the claims from which they depend, as well as for their own additional features.

Applicants respectfully submit that the application is not in condition for appeal. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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